IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1055 OF 2006

Anwar Ali Javed Ali Khan ..Petitioner
Vs.
State of Maharashtra ..Respondent

...

None appears for Petitioner
Mrs.A.S.Pai APP for State

...

CORAM: R.M.S.KHANDEPARKAR, AND
SMT.V.K.TAHILRAMANI, JJ.
DATE : OCTOBER 01, 2007

P.C.:

1. None present for the Petitioner. Mrs.A.S. Pai, APP is present for the Respondent.

2. Heard. Perused the records. The learned APP has placed before us for our perusal copy of the order passed by the Apex Court on 18th October, 2005 in Criminal Petition Nos. 10943 of 2005 to 10945 of 2005 in Special Leave Petition (Criminal) Nos. 5170 to 5172 of 2005. In terms of the said order, the proceedings in POTA Special Case No.2 of 2003 already stand stayed. It was also informed on behalf of the Respondent that the matter before the Apex Court is fixed in November 2007 for hearing.

3. By the present petition, the Petitioner is

merely asking for stay for framing of charges in POTA Special Case No.2 of 2003. Once it is apparent that the Apex Court stayed the proceeding, the question of framing of charge by the concerned Court, does not arise. Viewed from this angle, there is no question of granting any relief in the matter and as no other relief is asked for in the matter, petition is liable to be dismissed.

4. It has also been brought to our notice that the Petitioner had earlier filed another Writ Petition No.716 of 2005 which was disposed of by this Court on 6th October, 2005. In the said application also the Petitioner had prayed for stay for framing the charges and the said relief was refused.

5. In the result thereof considering the circumstances disclosed to the Court, the petition is dismissed with liberty to the Petitioner to adopt appropriate action, if so desired, and in case need arises in the matter, with no order as to costs.

[R.M.S.KHANDEPARKAR, J.]

[SMT.V.K.TAHILRAMANI,J.]